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Introduction to the Modern Orthodox Tradition

PAUL VALLIERE

In her study of the Orthodox Church in the Byzantine Empire, Joan Hussey begins with a caveat: "In the present state of our knowledge a book on the Byzantine Church must necessarily be in the nature of an interim report since much pioneer work remains to be done."[1] The same must be said about the attempt to present the "teachings" of modern Orthodoxy concerning law, society, and politics. While the historical sources for the study of modern Orthodox social ethics stand closer to us in time than those on which Byzantinists must rely, our level of knowledge about the subject is not markedly higher.

There are at least two reasons for this. The first is the catastrophe of the Russian Revolution (1917), which ruined the largest, richest, and best-educated Orthodox church in the world. The destruction wrought by Communism in Russia and elsewhere made civilized discourse on church and society in the Orthodox East extremely difficult for most of the twentieth century. The second is misleading stereotypes of Orthodoxy. The perception of Orthodoxy in the West has been deeply affected by a Christian "orientalism" that alternates between a condescending, essentially imperialist view of Orthodoxy as a backward form of Christianity and a romantic view of it as preserving mystical values from which a putatively rationalistic Western Christianity has fallen away.[2] Both stereotypes, though opposed, promote the notion that Orthodox theology is not fundamentally concerned with law, society, and politics. In fact, Orthodoxy has been wrestling with issues of modern legal, political, and social order for almost three hundred years, and a large body of primary source material for the study of the subject is at hand, albeit underexplored.

Orthodoxy's meeting with modernity began in Russia during the reign of Peter the Great (1682–1725), and by the late eighteenth century this

encounter was having a significant impact throughout the Orthodox world. In the nineteenth century, as Russia emerged as one of the most dynamic cultural centers of world civilization and as smaller Orthodox nations won their independence from the Ottoman Empire, a broad modern-style discourse about church and society was cultivated through a number of channels: new educational institutions, arts and letters, secular and theological journalism, scholarship, politics, secular and ecclesiastical courts, and other venues. In short, there is a historical record—the annals of what might be called the Orthodox Enlightenment—against which to check our generalizations about the teachings of modern Orthodoxy on law, society, and politics. Because this record has been so little investigated, however, checking it is an arduous procedure. Hence the caveat about an "interim report."

In the following pages, the views of five modern Orthodox thinkers on issues of law, society, and politics are presented—Vladimir Soloviev, Nicholas Berdyaev, Vladimir Lossky, Mother Maria Skobtsova, and Dumitru Stăniloae. It cannot be stressed strongly enough that all five of these thinkers were *modern*; that is to say, they wrestled with the situation of Orthodoxy in the expansive global civilization produced by the scientific and political revolutions of the Enlightenment. As Orthodox thinkers, all five also drew on patristic sources, that is to say, the writings of the church fathers.[3] However, it is not always possible to make a neat distinction between patristic and modern elements in their thought. The patristic corpus is variegated. Interpreters find different elements of significance in it, depending on the issues they wish to pursue. There is no reason to suppose that all elements drawn from the patristic tradition by modern Orthodox thinkers will be consistent with each other. On the contrary, one should expect to find differences of opinion, tensions, even contradictions.

Modern historical scholarship on patristics is another variable. To their credit, modern Orthodox thinkers have always paid close attention to historical research on the ancient and medieval church. Some, such as Vladimir Lossky, were patristic or medieval scholars in their own right. Like all scholarly disciplines, however, patristics evolves. New facts are discovered, new hypotheses are introduced, old views are revised. As a result, the scholarly consensus keeps shifting. What is deemed patristic at one point in time might be viewed otherwise at a later time; and of course the later view, too, is susceptible to revision. This is a perfectly natural state of affairs, but it is often forgotten by theologians who accuse their predecessors of betraying the church fathers without taking into account what the

scholarship of an earlier day had to say about those same fathers. In short, the patristic connection in modern Orthodox theology is itself a modern, not just a traditional, factor; it is a complicating, not just a clarifying, factor.

This point bears directly on the relations between the thinkers presented in this volume. Their collective labors span about a century—from Vladimir Soloviev's first book (*The Crisis of Western Philosophy*, 1874) to Dumitru Stăniloae's magnum opus (*Orthodox Dogmatic Theology*, 1978). The most important historical event affecting Orthodox theology in this period was the Russian Revolution of 1917 and its long, sad aftermath. The most significant theological shift occurred a bit later, however, with the rise of the neopatristic theology of Father Georges Florovsky and Vladimir Lossky. The key books signaling the neopatristic turn were Florovsky's *The Paths of Russian Theology*, published in Russian in 1937, and Lossky's *The Mystical Theology of the Eastern Church*, published in French in 1944.[4] Florovsky and Lossky sharply rejected the religious-philosophical approach to theology practiced by Soloviev and those whom he inspired, such as Nicholas Berdyaev, Sergei Bulgakov, Pavel Florensky, and Lev Karsavin. As Florovsky and Lossky saw it, Soloviev and his heirs were bad expositors of the mind of Orthodoxy because of the heavy dose of nineteenth-century German idealism and other modern tendencies in their thought. The antidote was to return to the church fathers, hence the name neopatristic. By the middle of the twentieth century, Florovsky and Lossky's approach had won the day, and it has dominated the Orthodox theological scene ever since. Its long life is due in no small measure to a brilliant second generation, such as Father John Meyendorff and Bishop Kallistos Ware, who quietly set aside the polemical spirit of the founders and developed the positive features of the neopatristic approach.

When reading the neopatristic theologians, however, one should not accept their initial assumption at face value—namely, that they returned to the church fathers while their rivals served other masters. To take this view is to ignore the fact that the fathers are not monolithic. Vladimir Soloviev was well versed in patristics as it was practiced in his time. Sergei Bulgakov was even better schooled, thanks to advances in the discipline that he followed carefully. The fact that neither Soloviev nor Bulgakov viewed the fathers in neopatristic terms does not mean that they failed to take the patristic heritage seriously, as their neopatristic critics subsequently alleged. It is true that Soloviev and Bulgakov were subject also to other intellectual and spiritual influences, but so were the neopatristic

theologians. Neopatristic theology was not a unique or isolated phenomenon in modern theology. It was the Orthodox manifestation of the pan-European, pan-confessional rebellion against liberalism and modernism that reshaped the theological scene following World War I. It is no accident that Roman Catholic neo-Thomism, Protestant neo-orthodoxy, and Orthodox neopatristic theology bear similar names. The three streams had much in common, and mutual influences abounded. Secular influences, such as existentialism and cultural pessimism, also had an impact on all three.

An area of concern which neopatristic theology did not share with the other movements in twentieth-century theology is the one with which this volume is chiefly concerned, namely, law, society, and politics. Neo-Thomism, with which most modern Roman Catholic thinkers were connected in one way or another, is inconceivable without its legal, social, and political agenda. Protestant neo-orthodoxy, however we understand its original motivation, inspired the ethical and political genius of Dietrich Bonhoeffer. Its American counterpart produced Reinhold Niebuhr. The Orthodox neopatristic movement, by contrast, did not inspire much work on law, society, or politics.[5] Some would explain this apparent anomaly by observing that the construction of ethical systems reflects the West's "scholastic" approach to theology, that is, the interpretation and application of mysteries of faith by means of discursive reasoning. The procedure is supposedly alien to Orthodoxy, which prefers to set theology in a liturgical and mystical context. Orthodox theologians, so the argument goes, do not seek general principles but focus on personal experience.[6]

Whatever the merits of this explanation, it must be qualified in at least two respects. First, it is not true that Orthodox thinkers have always steered clear of systematic reflection on law, politics, and human nature. Many modern Orthodox thinkers, including (in this volume) Vladimir Soloviev and Nicholas Berdyaev, have engaged in just such a project. To assume that this separates them from "genuine" Orthodox theology is to grant the neopatristic case without investigating it. Presumably it is better to examine what Soloviev and Berdyaev actually had to say before passing judgment on them.

Second, one must not fail to connect the neopatristic movement with the peculiar circumstances produced by the devastation of the Orthodox world in the twentieth century. Neither neo-Thomism nor Protestant neo-orthodoxy developed in exile or in emigration. Both were products of a well-patronized theological establishment. Even the mar-

tyred Dietrich Bonhoeffer was no exception: he ended his career in the catacombs, but he certainly did not begin it there. Orthodox theologians, after the Russian Revolution in 1917, and again after World War II ended in 1945, found themselves in a completely different situation. Almost all of the social and institutional networks for the support of theology in the historic Orthodox lands lay in ruins. Orthodox theology was cultivated for the most part in small communities of émigrés and Western converts without access to a large natural audience. Except in Greece, Orthodox theologians worked in contexts where they had virtually no access to social or political power and bore no responsibility for its management. It is no wonder that they regarded theological reflection on law, society, and politics to be disconnected from reality—scholastic in the pejorative sense.

Neopatristic writers occasionally did concede that the legal, social, and political dimensions of human life can be theologized. Bishop Kallistos Ware, for example, pointed to the implications of trinitarian dogma for social philosophy:

> The doctrine of the Trinity is not merely a theme for abstract speculation by specialists; it has practical and indeed revolutionary consequences for our understanding of human personhood and society. The human person is made in the image of God, that is to say, of God the Trinity, and the doctrine of the Trinity affirms that God is not just a monad, the One loving himself, but a triad of divine persons loving each other. Formed in the trinitarian image, the human person is thus created for relationship, sharing, and reciprocity. Cut off from others, isolated, unloving and unloved, no one is a true person, but only a bare individual. Our human vocation is therefore to reproduce on earth at every level, in the church and in society, the movement of mutual love that exists from all eternity within God the Trinity. In the words of the Russian thinker Nikolai Fedorov (c. 1828–1903), "Our social program is the dogma of the Trinity."[7]

Clearly this is an insight that could inspire a major work on Christian law, society, and politics. Indeed, it has done so—in Leonardo Boff's *Trinity and Society*.[8] Yet one looks in vain for a neopatristic Orthodox contribution to match that of this Brazilian Catholic liberation theologian.[9] It is telling that the arresting summation of Bishop Kallistos's case—"our social program is the doctrine of the Trinity"—is taken from Fedorov, one of the Russian religious philosophers whom the first generation of neopatristic theologians excoriated as misguided modernists.

PHILOKALIA AND PHILOSOPHY

Two streams of thought have been especially important in shaping the discourse about human nature and human destiny in modern Orthodoxy. They may be called the *philokalic* and the *philosophic*. The first, issuing from a revival of contemplative monasticism, reenergized and popularized the patristic concept of *theosis* (deification). The second took shape in nineteenth-century Russian philosophy. Its guiding ideas were wholeness and *sobornost* (fellowship, togetherness, spiritual unity).

After declining in the seventeenth and eighteenth centuries, Orthodox contemplative monasticism began to revive in the later eighteenth century. The vehicle of the revival was an anthology of patristic and medieval mystical-ascetical texts known as the *Philokalia*. The pioneers in the dissemination of this material were the Greek monks Makarios of Corinth and Nikodemos of the Holy Mountain, whose *Philokalia* was published in Venice in 1782, and the Russian monk Paisy Velichkovsky, who directed a Slavonic edition at about the same time. In the nineteenth century, Russian and other vernacular translations began to be made.[10]

The spiritual practices associated with the *Philokalia* are usually called hesychasm, from the Greek word *hesychia*, meaning quietness. These practices include quiet sitting, contemplative prayer, and the Jesus Prayer. The last consists of the words "Lord Jesus Christ, Son of God, have mercy on me a sinner," repeated as a mantra in fulfillment of the Apostle Paul's counsel to "pray without ceasing" (1 Thess. 5:17). These practices were traditionally cultivated by a monastic elite. With the wider vernacular dissemination of philokalic literature in modern times, a certain democratization of hesychasm occurred as laypeople, including some intellectuals, began assimilating the material and applying it in new ways. The prestige of monks as confessors and spiritual directors, a relationship that could be conducted by correspondence as well as in person, also widened the appreciation for hesychasm. Dostoevsky's celebrated portrait of Russian monasticism in *The Brothers Karamazov* (1878–80), based on the author's pilgrimage to Optina Hermitage, a center of the hesychast revival in Russia, is an early example of this democratization.

The aspiration of hesychast piety is *theosis* (deification), an idea containing both an anthropological and an eschatological dimension. Anthropologically, theosis is related to Orthodoxy's traditionally strong affirmation of the enduring, substantial reality of the image of God in human beings. Unlike Catholic theology, which came to distinguish sharply between nature and grace, Orthodox theology prefers to see nature and

grace as forever connected because created nature is always and everywhere dependent on the power of God.[1] Even in their fallen state, humans possess a divine beauty because their very being is irradiated by the energies (grace) of God. Human beings are potentially "gods." The realization of this potential is eschatological. In Orthodoxy, however, eschatological does not mean "far off." Orthodoxy inclines to a realized eschatology; that is to say, it proclaims the kingdom of God as something that can be seen and experienced *already*. Many features of Orthodox practice reinforce this view, such as the all-engulfing sacramentalism of the liturgy, the icons that mystically host the glorified beings who already live in the kingdom, and the veneration of the saints. Realized eschatology means that theosis has already begun and that its effects can be perceived and assimilated in a holy life.

The idiom of theosis sometimes strikes Western Christians as an invitation to idolatry. In fact, it is a Greek way of stating a truth about eternal life: since only God is eternal, all who are granted eternal life must in some way partake of the divine life. Eternalization implies deification. That there is a danger of idolatrous misunderstanding here has always been clear to Orthodox theologians, who guard against it by distinguishing between the "essence" and the "energies" of God. Not even the saints in glory partake of the essence of God; they are eternalized by the divine energies, God's gracious, indwelling, transfiguring presence in them. These energies are fully divine, however, not an intermediate, subdivine reality (which, if it existed, would indeed be the stuff of idolatry).

Theosis may also be understood as a way of speaking about sanctification, the being-made-holy of the redeemed. This interpretation makes the concept relatively easy for Roman Catholics to appreciate, since Roman Catholics, like Orthodox, have an optimistic view of the possibilities of growth in holiness, a view warranting the canonization and veneration of saints. Protestants have greater difficulty with the concept because of their ambivalence about sanctification as such. Protestantism sees the essence of the gospel as consisting in God's gracious, unprompted justification of the sinner. The issue of whether and to what extent justified sinners can achieve personal holiness has been a divisive issue for Protestants ever since the sixteenth-century Protestant Reformation. Martin Luther and many after him held that justified sinners are holy only by imputation: God in his mercy chooses to regard the justified as holy by imputing to them the holiness of Christ, which they themselves cannot approximate, much less achieve. Ulrich Zwingli and John Calvin believed that justified sinners are regenerated in a more concrete way, being empowered by God's grace to live a holier life than the unredeemed. Because the

template of a righteous and holy life is found in the divine law revealed in scripture, these theologians sometimes referred to the cultivation of holiness as "the third use of the law."[12] While such a pointed appeal to law in the context of sanctification would strike Orthodox as strange and somehow unevangelical, one may nevertheless draw an analogy between the third use of the law and monasticism. The zealous pursuit of theosis in Orthodoxy has always been closely connected with the ascetical life. In modern times this connection has been loosened a bit by the democratization of piety mentioned above, but traditionally the pursuit of theosis was a project that belonged to contemplative monks. To the extent that monasticism involves a structured, closely regulated lifestyle constituting a kind of polity or "republic" of its own, its connection with theosis is in some ways comparable to the third use of the law.

The primary social and political legacy of hesychasm has been quietism, as the name suggests. In cases where the threshold of political advocacy was crossed, the results were usually conservative, ranging from conventional acceptance of the status quo to reactionary forms of expression. For more constructive approaches to Christian legal, social, and political thought, one must turn to philosophic Orthodoxy.

Modern Orthodox religious philosophy emerged in Russia in the second quarter of the nineteenth century. It began as an effort to make sense of Russia's anomalous status in Europe after the end of the Napoleonic wars. Militarily, Russia had become one of the arbiters of European destiny. Yet Russia was not European in the sense that its Western neighbors were. Russia's political tradition (autocracy), socioeconomic system (peasant communalism), and religious affiliation (Orthodoxy) set it apart from the West. In the 1820s and 1830s, Russian intellectuals began a debate about Russia's destiny that would last until the revolution. What was Russia called to be and to do in the modern world? The answers turned largely on the assessment of Russia's Eastern Christian heritage. Those who lamented Russia's affiliation with "miserable, despised Byzantium" (as Pyotr Yakovlevich Chaadaev put it) imagined a future in which Russia would be fully integrated into Western European civilization. They were called Westernizers. Those who preached loyalty to Russian tradition, opining that Orthodoxy held the solution to the problems of modernity, were called Slavophiles.

The most important thinkers of the first generation of Slavophiles were Ivan Kireevsky (1806–56) and Aleksei Khomiakov (1804–60).[13] Both were well acquainted with Western thought. They had studied in Germany and were indebted in particular to the German Romantic tradition, especially

the philosophy of Friedrich W. J. Schelling. Like their Romantic mentors, the Slavophiles rejected the materialism, liberalism, and egoistic individualism of the Enlightenment. They believed that such trends, if left unchecked, would cause people to devour each other just as the leaders of French Revolution had devoured each other. The alternative to this evil prospect lay in rediscovering the wholeness of life, the reality of spiritual things, and the ethics of Christian love. Kireevsky elaborated a philosophy of "wholeness" embracing both reason and faith, with faith leading reason to the experience of God. Khomiakov elaborated a social philosophy based on Christian love, the socio-ethical counterpart to the wholeness cultivated by Kireevsky in the noetic sphere. His model for the good society was the loving communion of the church at prayer, a fellowship uniting each with all and all with God. The neologism *sobornost* was subsequently devised to express this vision in a resonant word.[14] Both Kireevsky and Khomiakov contrasted external or political freedom with inner or spiritual freedom: spiritual freedom opens people to fellowship with their neighbors and with God; liberal individualism isolates people and enslaves them to selfish passions.

The political legacy of the early Slavophiles was conservative without being reactionary. In fact, Slavophilism had reformist implications to the extent that its vision of what an ideal Orthodox society should look like was obviously at odds with the Russia that actually existed in their day. This dissonance did not escape the notice of the censors, who prevented the publication of most of Kireevsky and Khomiakov's writings during their lifetime. It would be wrong to cast the Slavophiles as dissidents, however. Their discontent did not impel them to political activism, which they distrusted. Nor did they look to law as a means of solving social and political problems. On the contrary, they viewed "juridicalism" as the quintessential expression of Western rationalism, the very opposite of *sobornost*. Slavophile antilegalism, inspired as much by Western Romantic philosophers as by evangelical conscience, contributed to what has been called "the tradition of the censure of law" in Russia.[15] The antilegalism of Aleksandr Solzhenitsyn is a more recent example of the same phenomenon.[16]

In the next generation the Slavophile tradition grew more complicated. The towering figure of Russian religious philosophy, Vladimir Soloviev (1853–1900), had one foot in the Slavophile tradition. His philosophy of "integral knowledge" picked up where Kireevsky's had left off, and his Christian social philosophy developed some of Khomiakov's insights. But Soloviev was also interested in the reconciliation of Orthodoxy with

European liberalism, a project that led him far from the Slavophile path. Soloviev's philosophy inspired the flowering of interest in religion among Russian intellectuals at the turn of the twentieth century and contributed to the emergence of an indigenous Russian liberalism.[17]

Later Slavophiles became increasingly nationalistic. Slavophilism encouraged the development of Russian nationalism to the extent that it celebrated the differences between Russia and Europe. For Kireevsky and Khomiakov, the affirmation of difference was not an end in itself but a means of promoting the universal Christian faith, which according to them was better preserved in Orthodoxy than in Catholicism or Protestantism. For many nationalists, by contrast, difference was the end, and Orthodoxy was a means of promoting it.

The philokalic and philosophic streams of modern Orthodox thought were not completely isolated from each other. Beginning with Kireevsky, religious philosophers took an interest in philokalic sources. Conversely, the appropriation of philokalic values by artists and intellectuals always involved some sort of philosophical mediation. Dostoevsky's pilgrimage to Optina Hermitage in the company of the philosopher Vladimir Soloviev is the perfect symbol of such mediation.

Scholarly studies of hesychasm in the twentieth century, of which John Meyendorff's *A Study of Gregory Palamas* (1959) was the most influential, furthered the democratization of hesychast spirituality and made an important contribution to neopatristic theology in particular.[18] The philosophical mediation of hesychasm, while much less prominent than historical-theological appropriations of the subject, also continues.[19]

CHURCH AND STATE IN THE ORTHODOX TRADITION

For a long time, Western scholars persisted in characterizing the system of church-state relations in the Christian East as "caesaropapism." The term denotes "the rigid control of matters spiritual and ecclesiastical by the temporal ruler."[20] Although the stereotype of a docile, politically apathetic Orthodox Church still flourishes in the popular imagination, scholars have for some time agreed that the concept of caesaropapism is flawed.[21] The most obvious problem is that it construes Orthodoxy in Western terms by assuming that the Orthodox Church has a "pope" of some kind, that is to say, a central executive authority. Since the Orthodox Church does not possess such an authority yet has been closely linked to the state for most of its history, the political ruler was seen as "pope." That

the Christian church can avoid papalism without becoming Protestant was not considered.

Another problem with the concept of caesaropapism is that it does not fit the facts of the church-state relationship in the Christian East, especially in the Byzantine period for which it was invented. While the Byzantine emperors, beginning with Emperor Constantine in the fourth century, were active and sometimes aggressive participants in the affairs of the church, relations between secular rulers and Orthodox bishops were often stormy, with many leading churchmen suffering deposition, exile, or worse in the defense of dogmatic and canonical positions that they deemed non-negotiable. Almost all of the great heresies of the patristic period—Arian, Monophysite, Monothelite, Iconoclast—enjoyed extensive imperial patronage, yet none of them prevailed in the long run. Even Justinian in the sixth century, who came closer than any Byzantine emperor to mastering the church, failed to achieve his most crucial objective in ecclesiastical affairs, which was the reconciliation of Orthodoxy and monophysitism.[22] Justinian's interest in this issue was political and strategic. By his time monophysitism had become the majority view among the Christians of Syria and Egypt, and Justinian feared for the loyalty of these important Eastern provinces. The Islamic conquest a century later proved the emperor's fears to be well founded, and it is certainly legitimate to wonder whether a more moderate stance in the monophysite controversy might not have served the Orthodox Church better than the one it took. What is not legitimate is to characterize the Byzantine church as a passive tool in the hands of Justinian or any other caesar. On the issues it deemed crucial, the Orthodox Church followed its own lights.

The concept that Orthodox thinkers have traditionally used to describe the right relationship between church and state is "harmony" (Greek *symphonia*). The idea is that church and state are two parts of an ensemble whose conductor is Christ. The two entities are distinct, for without distinction there can be no harmony; but they complement and support each other in the larger whole, which is a godly Christian society. Justinian's epitome of the ideal in his sixth *Novella* is famous:

> There are two greatest gifts which God, in his love for man, has granted from on high: the priesthood and the imperial dignity. The first serves divine things, the second directs and administers human affairs; both, however, proceed from the same origin and adorn the life of mankind. Hence, nothing should be such a source of care to the emperors as the dignity of the priests, since it is for the welfare [of the empire] that they constantly implore

> God. For if the priesthood is in every way free from blame and possesses access to God, and if the emperors administer equitably and judiciously the state entrusted to their care, general harmony will result, and whatever is beneficial will be bestowed upon the human race.[23]

The most striking feature of this ideal is the positive, theocentric view of the state: the state, like the church, receives its mandate directly from God. It is not subordinate to the church any more than the church is subordinate to the state. Church and state do not occupy higher and lower points in a great chain of being. Each is divinely gifted with its own being and vocation. The gifts are distinct, but the sacred body politic is one. The powerful theological paradigm of the Incarnation underlies this conception. "In the thought of Justinian, the 'symphony' between 'divine things' and 'human affairs' was based upon the Incarnation, which united the divine and human natures, so that the person of Christ is the unique source of the two—the civil and ecclesiastical hierarchies."[24] In a word, the state is as "Christic" as the church, albeit in a different sphere.

Symphonia helps us appreciate many idioms of Orthodoxy. When Orthodox Christians honor certain rulers, such as Constantine the Great or Vladimir of Kiev, as "equals of the apostles" (*isapostoloi*), Western Christians tend to take offense. Secular rulers as apostles? Is this not caesaropapism? Viewed in terms of symphonia, however, the usage makes more sense. When Prince Vladimir of Kiev made the decision to invite missionaries from Byzantium to evangelize and baptize his people, he was accomplishing a divine mission, using the charisma of rulership bestowed upon him by God to cause the gospel to be preached in his heathen land. As the first of his princely line to exercise power in this way, Vladimir was "like" an apostle. His power was political and spiritual at the same time; his decision to invite the missionaries was a creative act, a fresh actualization of the spirit-guided charisma of right government. The "palladian" display of icons during sieges and military campaigns is another example of symphonia. When General Kutuzov and his army prayed before an icon of the Mother of God in the field at Borodino in 1812, they were engaging in a public as well as a personal act, affirming the divine source of the state as well as of the church.[25]

While appreciating the logic of symphonia, however, one must keep two facts in mind. First, symphonia was the ideal, not the reality, of church-state relations in the East. It was constantly proclaimed but seldom realized. Second, conditions for the realization of the ideal, at least in its original sense, have not existed in the Orthodox world for some time. Symphonia assumes the existence of a Christian empire or at least a

Christian state. In fact, after the fall of the Byzantine Empire in 1453, most Orthodox Christians except for the Russians lived in Muslim states. After 1917 most Russians lived in an atheist state. Today, most Orthodox Christians live in secular states. Symphonia has become problematic in a way that cannot be mitigated by the banal observation that ideals always fall short in practice.

To the extent that symphonia persists as an ideal in the Orthodox world—and the extent to which it persists demands investigation—the reason is probably the majority status of the Orthodox community in the populations of most of the post-Ottoman and post-Soviet successor states. The locus of symphonia has simply shifted from ruler to society. This fits in with the general democratization of political charisma in modern times: traditionally the prince or emperor was the "earthly god," in modern times the state or society assumes the role. Because the majority of the population in historic Orthodox countries still identifies with Orthodoxy at least nominally, it is possible to dream of effecting symphonia on the social and cultural, if not the political, plane. The Orthodox Church's claims to special status in postcommunist states are a reflection of this mentality, the expression of an ingrained sense of religious establishment that has survived the political disestablishment of Orthodoxy.[26] In theological terms, of course, populist symphonia is suspect. Symphonia depends on charisma, and charisma is conferred on persons, not abstract entities. While it might be possible, given the logic of symphonia, to appreciate evaluations of Constantine or Vladimir of Kiev as "equal of the apostles," it is a stretch to extend the honor to a society or nation. The emotional appeal of such theologized populism is nevertheless considerable in modern Orthodoxy.

The political challenge for Orthodoxy in modern times is to find a resonant alternative to symphonia as traditionally conceived. The thinkers represented in this volume all wrestled with this challenge in one way or another. Of the five, Vladimir Soloviev took the most traditional approach in that he continued to think in terms of an organic Christian society in which the disparate elements of spiritual, social, and political life are harmoniously interconnected. As we shall see, Soloviev's way of conceiving symphonia was quite modern; nevertheless, he stood firmly in the historic tradition of Orthodox social and political thought. The fact that he still lived in an Orthodox empire had much to do with this.

The neosymphonic approach was also adopted by most of the Russian Orthodox religious philosophers inspired by Soloviev, including Sergei Bulgakov.[27] Nicholas Berdyaev was more radical, however. While inspired by Soloviev, Berdyaev was also a great admirer of nineteenth-century

Westerners such as Friedrich Nietzsche, Søren Kierkegaard, and other fountainheads of the individualist and anarchist orientation that eventually came to be called existentialism. Berdyaev's "philosophy of freedom" left no room for organicism of any kind. Unlike many existentialists, however, Berdyaev remained loyal to the Solovievian tradition of social Christianity. Mother Maria Skobtsova, who was close to Bulgakov and Berdyaev, also promoted an Orthodox social gospel, and in the best possible way: by living it.

Neopatristic thinkers broke with symphonia in an even more radical way than Berdyaev: they stopped looking for an Orthodox legal, social, and political doctrine. They did not address issues of law, society, and politics in any of their major works. In part this was a reaction to their special social and political circumstances, which have already been noted. But there was another factor. Lossky, Florovsky, and other first-generation neopatristic thinkers embraced a rigorously mystical and apophatic view of theology that effectively discouraged the theological interpretation of legal, social, and political questions.[28] Mystical or apophatic theology is an effective means of contemplating the mystery of God as experienced in the depths of personal being. It is not a useful tool for fashioning a theory of the state, evaluating a system of positive law, forging an interpretation of history, or other tasks normally involved in the construction of a social and political ethic.

Not all theologians who contributed to the neopatristic movement were as radical as Florovsky and Lossky. Dumitru Stăniloae, for example, was shaped by the *Gândirea* circle in Romania between the world wars, a religious-philosophical movement strongly resembling Russian Slavophilism in its blending of Orthodoxy with national and cultural values. The effects can be detected in the more organic character of his theology.[29] In the Communist era, of course, the search for Orthodox legal, social, and political thought came to a halt in Romania as it did elsewhere. Only in recent years, with the emergence of free if struggling civil societies in the Christian East, has the search resumed, and it is too early to predict where it will lead. Orthodox nationalism, Christian socialism, neosymphonism, quietism, and some sort of accommodation between Orthodoxy and liberalism are all possible outcomes.

ORTHODOXY AND LAW

The fourth-century Constantinian settlement that regularized the status of the Christian church in the Roman Empire did not involve a legal revolution. On the contrary, the Roman legal system was a key element

of the new arrangement. To be sure, the system was incorporated into symphonia. But the law did not depend on symphonia. One might even argue that it was the other way around, since symphonia necessarily involves an extra-ecclesiastical element: the imperial dignity as well as the priesthood, in Justinian's words. The Western medieval ideal of the supreme pontiff as the supreme lawgiver, or at least as the supreme arbiter of law in Christian society, was alien to Byzantium from the beginning. The emperor was the supreme lawgiver, a vocation conferred on him by God without priestly mediation and put into practice by his respect for the Roman legal tradition. When Eusebius of Caesarea, Constantine's apologist and the architect of symphonia, "developed the notion of a human viceroy dispensing Divine justice on earth in God's name,"[30] he was Christianizing the Roman imperial office. But the justice the emperor dispensed was defined first of all by Roman law. Over time Christian ethical teachings had an impact on the law, especially in the areas of marriage, sexuality, inheritance, the treatment of women and children, capital punishment, and of course religion. Although significant, however, the impact fell short of being revolutionary.[31] Some of the differences between Orthodox and Catholic ethical norms, such as the Orthodox Church's toleration of divorce, are traceable to the fact that for a thousand years the Orthodox Church had to accommodate itself to the preexisting Roman legal system. The Western church had a freer hand to legislate as it saw fit because of the fifth-century collapse of imperial authority in the West.

The Orthodox Church's legal competence widened in the twilight centuries of Byzantium (1204–1453), initiating a metamorphosis that was completed in the Ottoman period when the sultan recognized the Orthodox Church as the judicial authority over his Christian subjects. Roman law still figured in the system to the extent that bits and pieces of it had long been incorporated into the "nomocanons" which guided the Church in matters of civil and ecclesiastical law. Nomocanons were concise reference works assembled in the Byzantine period to facilitate the judicial tasks of bishops and the ecclesiastical dealings of imperial bureaucrats. The distinctive feature of the books was the conflation of ecclesiastical and imperial legislation. Imperial laws (*nomoi*) and church canons dealing with related issues appeared side by side, carrying equal weight and supposedly harmonizing with each other. The continued use of such instruments by the Orthodox Church during the Turkish period was a powerful statement of loyalty to the Byzantine heritage, but it did not and could not replicate the Byzantine legal order. In Byzantium, law was crafted by the imperial authority, not by the church; and the study of law flourished as an

independent discipline with its own specialists and schools. All of this passed away with the collapse of the empire. The system patronized by the Turks may be called an ecclesiocracy. It left no room for an autonomous legal order.

The influence of Roman law in the Slavic lands converted to Orthodoxy during the Byzantine period is a complicated question.[32] Nomocanons were part of the cultural and ecclesiastical legacy transmitted to the converts. In Slavonic translation, these "pilot books"— *kormchie knigi*, as they were called—had an impact on the legislative monuments with which medieval Slavic princes occasionally adorned their "little Byzantiums."[33] But as has often been noted, the Byzantines were selective in what they shared with the "barbarians." They focused on religion rather than culture, on Christianization rather than Hellenization. The missionary strategy of evangelizing the Slavs in their own language rather than the imperial language reinforced this selectivity by withholding the tool that would have given the Slavs direct access to the Byzantine cultural tradition. Roman legal science was not transmitted to the Slavs any more than classical Greek poetry was. Even if it had been, the effects would have been minimized by the Mongol conquest of Russia and the Ottoman conquest of the South Slavs in the thirteenth and fourteenth centuries. By the time the Russians regained their independence and began building a great Orthodox empire in the north, Byzantium was no more. The Russians fashioned their polity from a variety of sources including nomocanons, Slavic customary law, and Mongol administrative practices. The state that emerged was emphatically Orthodox, and its ruler proudly claimed the Byzantine imperial titles of *tsar* (caesar) and autocrat. But Russian Byzantinism was one-sided: it replicated Roman autocracy without Roman law. The political reforms of Peter the Great did nothing to correct this deficiency.[34]

Orthodox canon law survived the fall of Byzantium, of course, and shaped personal life and civil society both in Muscovy and in the ecclesiocratic system of the Ottoman Empire.[35] But Orthodox canon law was a conservative discipline. It did not stimulate jurisprudence as the study of Roman Catholic canon law did in the West. The dynamism of Roman Catholic canon law depended on two conditions that did not exist in the East: a complex ("feudal") web of competing secular and ecclesiastical jurisdictions requiring regulation, and the existence of a supreme legislator in the church, namely the Pope of Rome, whose decrees were a constant source of new law ("reform") for the church. Like the Protestants of a later age, the Orthodox regarded the growth of law in the Western church as a hypertrophy, a violation of the spirit of the gospel. But Protestant and Orthodox crit-

icisms of Roman legalism were differently motivated. The Protestants were interested in reforming the church, a concept for which they were ironically indebted to the authority structure against which they rebelled, namely, the reforming papacy of the Middle Ages. The Orthodox rejected papalism on grounds of tradition, a standard quite different from reform.

The traditional character of Orthodox canon law is reflected in the organization of the canonical collections and in the fact that one must speak of collections in the plural. The Orthodox Church does not possess a "Code of Canon Law."[36] It preserves a number of esteemed collections and commentaries, some medieval, some more recent. The drive to forge a "Concordance of Discordant Canons," as Gratian did around 1140 for medieval Catholicism, never caught on in Orthodoxy, probably because of the recognition that such an enterprise would end up making new laws, hence in some sense "reforming" the church. Orthodox canonists do not relish such a prospect, preferring to regard themselves as faithful transmitters of that which they have received from the ancients. The outlook is reflected in the tripartite organization of Orthodox canonical collections: apostolic canons come first, the canons of the ecumenical councils and other important synods stand next, and selected chapters from the writings of the church fathers round out the collection. Apostles, councils, and fathers—in that order—are treasured as prototypes of the unbroken practice of the church, not as raw material to be manipulated by legal rationality.

The strength of the Orthodox approach to canon law is the sense of limits brought to the subject by respect for tradition, in spiritual terms a kind of humility. Orthodoxy, like other forms of Christianity, has had its share of power-hungry prelates, but they have not found it easy to use canon law to justify their rapaciousness. The dictatorial legalism of the Roman papacy at its worst is absent from Orthodoxy. Unfortunately, another kind of legalism has not been absent: that which springs from an exaggerated and excessively literal dependence on the past, "the tendency to freeze history," as Meyendorff has characterized it.[37] One might call it paleocracy. Modern Orthodox theologians attempt to mitigate this type of legalism by distinguishing between tradition and traditions, that is to say, between the inalterable essentials of Orthodoxy and the many historically relative customs that not only can but in some circumstances must be changed in order to preserve the core values of tradition. The distinction is an important one, but it is not itself traditional, at least not in its strong form. An invention of modern theologians beginning with John Henry Newman, the distinction would have seemed strange to Orthodox churchmen of an earlier age. The history of Orthodoxy is full of conflicts over small points of practice that were deemed inalterable because they were traditional.

The most tragic case was the Russian Orthodox schism of the seventeenth century, when Old Believers separated from the Patriarchal church as a result of minute changes in prayer books and ritual practices. The defection probably commanded the loyalty, active or tacit, of the majority of Russian Orthodox Christians at the time. There are many other examples. A bitter dispute over the appropriate day (Saturday or Sunday) for memorial services for the departed embroiled the Greek church for many decades in the eighteenth century. In our day, Old Calendrists and New Calendrists battle each other in many Orthodox jurisdictions. If disputes of this kind were the work of an obscurantist fringe, as is sometimes thought, they could be ignored. In fact, they reflect the power of the paleocratic mentality in Orthodoxy. When Russian Orthodox Old Believers accepted torture and death rather than change (for example) the number of fingers they used to make the sign of the cross, they were not manifesting willful hearts as their detractors charged. They were abiding by a pattern which they honestly believed to be apostolic—and reasonably so, in that the apostles and saints were shown crossing themselves in just such a way on the icons that festooned their churches, images that were regarded as absolutely faithful copies of their prototypes.

The same attitude sometimes appears in learned theology. When one of the greatest Orthodox canonists of modern times, Nikodemos of the Holy Mountain (1749–1809), in his celebrated collection and commentary known as the *Pedalion* (The Pilot), emphatically defended the authenticity of all eighty-five Apostolic Canons against the Roman Catholic count of fifty—an old dispute—he was doing more than excoriating "Latin heretics." As he saw it, he was standing up for the actual practice of the apostles of Christ. That the Apostolic Canons is a fourth or fifth century composition, that the Roman count also dates from antiquity, and that even some Byzantine authorities doubted whether the Apostolic Canons issued from the hands of the apostles—these considerations were trumped by the force of a long-standing tradition. The eighty-five Apostolic Canons appeared in all Orthodox collections of canons since formal compendia began to be made in Byzantium in the ninth century. It was inconceivable to Nikodemos that the tradition of the church in this matter could be anything other than what it claimed to be, namely, apostolic.[38]

The Orthodox canonical tradition did not always lead the church to defend the status quo. In some historical contexts, appeal to the canons had reformist implications, especially where the Orthodox Church was forced by an oppressive political regime to violate its canonical structure. In these situations the appeal to restore canonical order was in effect a demand for political reform and greater latitude for civil society.

Orthodox resistance to the Petrine ecclesiastical settlement in the Russian Empire had this character. In his zeal to make Russia a European power, Peter the Great reconstructed the Muscovite polity along the lines of Western European absolutism. In the process he imposed a radically untraditional constitution on the Russian Orthodox Church.[39] The patriarchate of Moscow and the conciliar institutions of the church were suspended and replaced by a small synod of bishops chaired by a lay bureaucrat, or oberprocurator, responsible solely to the emperor. Every aspect of church life was brought under government supervision. Even the sanctity of confession was violated as priests were charged with certain police functions. The bishops of the Holy Synod were not at liberty to assemble without the permission of the oberprocurator. The episcopate as a whole never assembled, not once during the entire synodal period (1721–1917).

There was much dissatisfaction with this patently uncanonical system of church government among learned Russian Orthodox, although state censorship limited public expression of dissent. Unfortunately, no one ever found a way to change the system from within. The Great Reforms of the 1860s, which abolished serfdom, created a modern judicial system, put a system of local government in place, and reformed the army, ignored the church. A promising conciliar movement in 1905–1906 enjoyed widespread support but failed to convene a council because the tsar's government withheld permission.[40] The council did not assemble until 1917, after the imperial regime had fallen and the Bolsheviks were literally at the door. The Local Council of 1917 restored the patriarchate and cast off the other oppressive features of the synodal regime, but its resolutions soon became moot as the young Soviet regime set about forcibly dismantling the Orthodox Church.

Following World War II, when the Soviet government allowed the Orthodox Church to reconstitute itself within strict limits and under state supervision, the appeal to canonical order again emerged as a vehicle for dissent. Soviet laws on religion had suppressed almost all of the canonical structures that protect the autonomy of the church, such as conciliar government and the clerical presidency of parish councils. The criticism of this legislation was the point of the celebrated letters to the patriarch and the Soviet president by Fathers Eshliman and Yakunin in 1965, one of the opening salvos of the Soviet human rights movement.[41] Meanwhile the quiet but forceful example of Father Aleksandr Men, a Moscow priest with a gift for ministry to intellectuals, showed that a profound Orthodox ministry to society was possible (if rare) in spite of the suppression of canonical order by the Soviet regime.[42] Canonical order was restored by the

glasnost-era Council of 1988, two years before Soviet legislation on religion was officially changed.

Of course, some disturbances of canonical order come from within the church. A contemporary example is the "canonical chaos" that obtains in the Orthodox diaspora.[43] Nothing is more basic to canonical order in Orthodoxy than the unity of the local church: one city, one bishop, one church. Yet nothing is more characteristic of the Orthodox diaspora than the maze of overlapping and competing ecclesiastical jurisdictions operating in the same space. In most places this antisystem is the result of the movement of populations in modern times. Relocated ethnic groups wish to maintain their ties with the mother church and introduce its hierarchy abroad. Understandable as these loyalties are, their effect has been to undercut the unity and mission of Orthodoxy. In America, for example, most non-Orthodox regard the various Orthodox bodies as completely different churches. The extent to which these bodies agree on doctrine, liturgy, and discipline is rarely appreciated. Divisions of a more serious kind, springing from internecine conflict, are also a problem. In Estonia, Ukraine, and elsewhere, bitter divisions and jurisdictional disputes bedevil the life of the church.

What makes these internal lapses of canonical order especially demoralizing is that the Orthodox Church today has the freedom to correct them but, so far, cannot seem to do so. Aside from vested interests, the problem is the absence of central authority. Interjurisdictional coordination is difficult in Orthodoxy because no one in particular is responsible for it. Not even the Ecumenical Patriarch (the Patriarch of Constantinople) has this authority; indeed, he is often one of the parties in need of coordination. The national and regional churches that constitute the Orthodox communion are "autocephalous," that is to say, administratively and judicially independent of each other. The unity of Orthodoxy is expressed through fidelity to a common tradition and in conciliar gatherings. When Orthodox bishops come into conflict with each other, only a council can restore order. In the case of conflicts between autocephalous churches, this means a worldwide or general council. But there is a problem here: for all its famed *sobornost*, the Orthodox Church has not actually held a worldwide council since the year 787—not exactly a recent precedent. In effect, worldwide Orthodoxy finds itself in the situation that the Roman Catholic Church would be in if, while professing the ideal of a papal monarchy, it lacked an actual papacy.

The gap between the theory and practice of *sobornost* is a manifestation of a general problem in the Orthodox canonical tradition, namely, the ten-

dency to cherish mystically authenticated concepts without doing much to effectuate them. The distinguished Orthodox canonist John Erickson has written of the need "to rediscover the implications of communion for community, lest our much-vaunted [Orthodox] 'spirituality' and 'mystical theology' degenerate into dilettantish escapism."[44] His plea, delivered in 1982, is as relevant as ever today.

ORTHODOXY AND DEMOCRACY

The overarching challenge for Orthodox thought on law, politics, and society in the twenty-first century is to clarify the role the church should play in the construction of a democratic civil society. The church has a huge stake in the matter. No responsible party wishes to repeat the catastrophes of the Communist era, and most Orthodox leaders today recognize that a stable democratic order is the surest safeguard against doing so. The situation is nevertheless unprecedented. The large majority of Orthodox have little if any experience of democracy. Moreover, like other churches that relied on state establishment, the Orthodox Church has inherited a low degree of popular participation in its institutions and programs. In *The Russian Question at the End of the Twentieth Century*, Aleksandr Solzhenitsyn lamented "our ingrained and wretched Russian tradition: we refuse to learn how to organize *from below*, and are inclined to wait for instructions from a monarch, a leader, a spiritual or political authority."[45] This is not just a Russian question. It applies to state and church in most parts of the Orthodox world today.

The Orthodox thinkers treated in this volume offer various resources on the issue of Orthodoxy and democracy without providing anything like a blueprint of the solution. The latter is too much to expect, given the enormous changes that have taken place in the social and political circumstances of Orthodoxy in recent years. The gap between the world that our five Orthodox thinkers knew and the present situation of their faith tradition is greater than in the case of the Protestant or Roman Catholic figures treated in the companion volumes. Of the five, the one who thought the most systematically about the role of Orthodoxy in civil society is the farthest removed from us in time: Vladimir Soloviev. The apparent irony is dispelled when one considers that Soloviev was the only one of the five who completely predated the Communist upheaval. A modern-style civil society was emerging in Russia in Soloviev's day, however unevenly, and his social and political philosophy contributed to it.

The other Orthodox thinkers presented here endured the political traumas of twentieth-century Europe in one way or another, including the lengthy political imprisonment suffered by Dumitru Stăniloae and martyrdom in a Nazi death camp in the case of Mother Maria Skobtsova. Yet there is a brighter side to the picture in that Berdyaev, Lossky, and Mother Maria also experienced democracy by virtue of their many years of residence in France. During their lifetimes, they did not have the opportunity to share their experience with those living on historically Orthodox soil, but their example has fresh relevance for their coreligionists who wrestle with the issue of Orthodoxy and democracy today.

There is evidence that contemporary Orthodox leaders recognize the need for greater attention to problems of law, society, and politics in the postcommunist environment. A good example is the detailed outline of Christian social teachings, "Bases of the Social Concept of the Russian Orthodox Church," that the episcopate of the Russian Orthodox Church (Moscow Patriarchate) adopted at a council in 2000.[46] The document contains specific teachings on topics as various as church-state relations, Orthodoxy and secular law, economic justice, criminal law, bioethics, environmental ethics, sexual ethics, religion and science, and international relations. The 125-page compendium represents a striking innovation in Orthodox practice, bearing greater resemblance to a papal encyclical or a report by a national Roman Catholic bishops' conference than to any traditional Orthodox form of expression. Some of the positions incorporated in it, such as the theological defense of civil disobedience in certain circumstances, are virtually unprecedented in Orthodox legal, social, and political thought.

The cultivation of *sobornost* also bears on the practice of Orthodoxy in a democracy. To be sure, a church council is not a democratic assembly. Yet it is an assembly, and the virtues and skills that sustain it are transferable. These include the practice of shared responsibility, an understanding of due process, techniques of discussion, debate, and decision making, and above all the experience of participating in decisions about matters that affect one's life. For this reason one may claim that conciliar practice and democracy, though not the same thing, can reinforce and enrich each other. This connection also works in the negative: oligarchy in the state and oligarchy in the church reinforce each other.

The issue of initiative and participation pertains to other sectors of Orthodox church life besides councils, such as liturgy and parish life. The great liturgies of the Christian East are the glory of Orthodoxy, but as currently practiced in most parts of the Orthodox world they discourage broad participation in worship. Liturgical reforms are needed to ad-

dress this problem, but few churchmen are willing to touch the issue because of the explosive potential of Orthodox legalism. Priests who have experimented with new forms have been marginalized and sometimes vilified. Although fears that reform could land Orthodoxy in a state of liturgical confusion comparable to that of post–Vatican II Catholicism are by no means groundless, criticism of Western pathologies cannot compensate for absence of renewal in the East. As for the Orthodox parish, its renewal is closely connected with liturgical reform. There are other challenges as well, such as the need for a theology of the laity in Orthodoxy.[47]

Admittedly, one should not abuse the theme of Orthodoxy and democracy by implying that the primary vocation of the Orthodox Church is to build democracy. For the sake of its distinctive mission, the church must keep its distance from the powers of this world, including the democratic powers of this world. The distance is healthy not just for the church but for the democratic state because it keeps prophetically open the issue of how the Christian love-ethic relates to the ethics of democracy. This profound question has not yet been adequately clarified anywhere. Democracy is still a relatively new phenomenon in world history, and neither its grandeur nor its pitfalls have been sufficiently probed. The transcendent love which Orthodoxy serves—the "acosmic love" that so impressed Max Weber in the heroes of Dostoevsky and Tolstoy[48]—has not figured conspicuously in the ethics of democracy. Yet Orthodox Christians are clearly called to witness to this "more excellent way" (1 Cor. 12:31).

And witnesses there have been. Surely the most enduring legacy of twentieth-century Orthodoxy will be the veneration of the martyrs and confessors who suffered for their faith at the hands of the Communist state—a state, let it be remembered, that called itself "social-democratic." No discussion of justice, law, and society in modern Christianity can pass over this historical record in silence. A life-giving resource for the church, the blood of the new martyrs is a thundering stream of judgment on the powers of the modern world, including the democratic powers. It will not do to object that Communism was not "true" democracy. Of course it was not; but neither was it unconnected with modern democratic ideas. The ethicist will do better to follow Reinhold Niebuhr at this point and recognize the threat of the demonic in all social and political ideologies.

As the Orthodox churches that suffered under Communism investigate the historical record, a new martyrology is emerging. The process is most advanced in the Russian Orthodox Church. At the Council of 2000, no fewer than 1,149 new Russian saints were canonized, most of them martyrs

of the Communist period. The number alone is an indication of how long it will take to assimilate the meaning of what happened to the Orthodox Church in the twentieth century.

The report of the investigative commission that recommended the canonizations to the Council of 2000 is a document without much rhetorical embellishment, and therein lies its eloquence.[49] The record speaks for itself. The "throng" (*sonm*) of the martyred embraces all canonical stations of the church: metropolitan bishops, archbishops, bishops, archimandrites, archpriests, hegumens, priests (the largest group), hieromonks, protodeacons, deacons, monks and nuns, novices, and laypersons. Presented by diocese and distinguished by canonical rank, the martyrs are listed alphabetically by their first name, a reminder of the ultimate significance of the individual person—and of personal responsibility—in the kingdom of God. Also included among the canonized are forty-six individuals who are "not yet revealed to the world by name, but known to God."

The council also resolved "to canonize as passion-bearers, in the throng of new martyrs and confessors of Russia, the Imperial Family: Emperor Nicholas II, Empress Aleksandra, the Tsarevich Aleksy, and the grand princesses Olga, Tatiana, Maria, and Anastasia." "Passion-bearers" (*strastoterptsy*) is a term traditionally applied to princes who manifested Christian virtues while suffering at the hands of their political enemies. But the princely connection was less important to the authors of the report than the national connection: "Through the sufferings of the Imperial Family in their captivity, borne with meekness, patience and humility, and in their martyr's death in Yekaterinburg on the night of July 4 (17), 1918, the light of the faith of Christ which overcomes evil was made manifest, just as it shone in the life and death of the millions of Orthodox Christians who endured persecution for Christ in the twentieth century."

In time, the annals of the new martyrs will become part of the sacred story of every diocese in Orthodoxy. Icons of the new saints have been prepared, and more will follow. The cloud of witnesses to a more excellent way will shine as a perpetual reminder of the glory of the kingdom of God and the limits of all earthly polities.

Yet the critique of democracy, important as it is, cannot be the first order of business in twenty-first century Orthodoxy. More important for the church's present welfare is the task of measuring up to the challenges facing it in a democratic society, including the need for a more positive understanding of law. In rising to this occasion, Orthodoxy will discover more about itself than it has known before and more about the gospel than it has known before. A new challenge is at hand. In the Communist

era Orthodox Christians died for their faith. In the world after Communism they must learn to live for it.

NOTES

1. J. M. Hussey, *The Orthodox Church in the Byzantine Empire* (Oxford: Clarendon Press, 1986), 1.
2. The insights of Edward Said's concept of "orientalism" have long been assimilated by scholars of Islam and non-Western religions. The concept is also relevant to the study of Orthodox Christianity, although this has rarely been recognized.
3. The branch of theology concerned with the writings of the "fathers" of the ancient and medieval church is usually called patristics. The fathers did not occupy any one station or office in the church. Some were bishops, some presbyters (priests), some monks, some scholars. Because they were male, the discipline devoted to studying their writings is accurately named. However, inasmuch as the role of women in the ancient church was enormous, albeit traditionally ignored, the pursuit of "matristics" is sure to grow in the coming years and provide a corrective to one-sided attention to the fathers.

   The major languages of patristic literature are Greek, Latin, and Syriac. The literature falls into three historical periods: the early period, when Christianity was a persecuted faith (first to early fourth centuries); the classical period, when Christianity became the established religion of the Roman Empire and codified its fundamental doctrines at the first ecumenical councils (fourth through sixth centuries); and the medieval period, when the Greek-speaking (Byzantine) East and the Latin-speaking West gradually uncoupled (seventh through fifteenth centuries). Before the twentieth century, Western patristic scholarship focused almost exclusively on the first two periods, ignoring Byzantine (but not medieval Latin) theology. Since the early twentieth century, Byzantine theology has received attention. Some of its greatest minds—Maximus the Confessor (ca. 580–662), Symeon the New Theologian (949–1022), and Gregory Palamas (1296–1359), among others—have begun to be appreciated beyond the boundaries of Orthodoxy and have also become much better known in the Orthodox world. In general it is fair to say that interest in the Greek and Syrian fathers of all three patristic periods is growing steadily. The early Byzantine theologians Gregory of Nazianzus (Gregory the Theologian, ca. 329–390), Basil of Caesarea (Basil the Great, 330–379), and Gregory of Nyssa (331/40–ca. 395)—called the Cappadocians after the name of their native province in Asia Minor—are especially prominent reference points in contemporary theological discussions.

   The standard handbook to patristic literature of the early and classical periods is Johannes Quasten, *Patrology*, 4 vols. (Westminster, Md.: Christian Classics, 1990). Another useful tool is *Dictionary of Early Christian Literature*,

ed. Siegmar Döpp and Wilhelm Geerlings, trans. Matthew O'Connell (New York: Crossroad, 2000). For a survey of early patristic theology by a contemporary Orthodox scholar, see John Behr, *The Way to Nicaea: The Formation of Christian Theology*, vol. 1 (Crestwood, N.Y.: St. Vladimir's Seminary Press, 2001). A magnificent introduction to the world of the Cappadocians is provided by John McGuckin, *Saint Gregory of Nazianzus: An Intellectual Biography* (Crestwood, N.Y.: St. Vladimir's Seminary Press, 2001). The best introduction to Byzantine theology in English is John Meyendorff, *Byzantine Theology: Historical Trends and Doctrinal Themes* (New York: Fordham University Press, 1974). Good monographs also exist on individual theologians: for example, Aidan Nichols, *Byzantine Gospel: Maximus the Confessor in Modern Scholarship* (Edinburgh: T & T Clark, 1993); John Meyendorff, *A Study of Gregory Palamas*, trans. George Lawrence, 2d ed. (Crestwood, N.Y.: St. Vladimir's Seminary Press, 1974); and Hilarion Alfeyev, *St. Symeon the New Theologian and Orthodox Tradition* (Oxford: Oxford University Press, 2000).

Some of the most readable English-language editions of patristic writings are found in the Paulist Press series "Classics of Western Spirituality," which includes a fair sampling of Eastern Christian works. ("Western" in the series title refers collectively to Jewish, Christian, and Islamic traditions, not to Western as opposed to Eastern Christianity.) Standard collections of the fathers in English include two continuing series, "Ancient Christian Writers: The Works of the Fathers in Translation," now published by the Catholic University of America Press, and "The Fathers of the Church: A New Translation," now published by the Paulist Press. Still useful, although extremely antiquated, are two nineteenth-century collections: *The Ante-Nicene Fathers: Translations of the Fathers down to A.D. 325*, ed. Alexander Roberts and James Donaldson, 10 vols., and *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, ed. Philip Schaff and Henry Wace, 28 vols., repr. ed. (Grand Rapids, Mich.: Eerdmans, 1978–79).

4. Lossky's book had a considerable impact in the English-speaking world thanks to a relatively early translation: Vladimir Lossky, *The Mystical Theology of the Eastern Church* (Cambridge: James Clarke, 1957). Florovsky's long and difficult book was translated much later: Georges Florovsky, *The Ways of Russian Theology*, part 1, trans. Robert L. Nichols, *The Collected Works of Georges Florovsky*, vol. 5 (Belmont, Mass.: Nordland, 1979); part 2, *The Collected Works of George Florovsky*, vol. 6 (Vaduz, Liechtenstein: Büchervertriebsanstalt, 1987). The best introduction to Florovsky's thought is not *The Ways of Russian Theology* but the elegant, pithy essays on a wide variety of patristic topics in *The Collected Works of Georges Florovsky*, 14 vols. (Belmont, Mass.: Nordland, 1972–89).
5. The pioneering work in Orthodox ethics by Stanley Harakas, Vigen Guroian, and other American scholars is not primarily neopatristic in inspiration. It owes more to the sustained dialogue between creative Orthodox

ethicists and the interconfessional discipline of Christian ethics as practiced in North America. The Greek theologian Christos Yannaras comes closer to being an ethicist of neopatristic inspiration. See his *The Freedom of Morality*, trans. Elizabeth Briere with a foreword by Bishop Kallistos of Diokleia (Crestwood, N.Y.: St. Vladimir's Seminary Press, 1984). For a fine example of the American contribution, see Vigen Guroian, *Incarnate Love: Essays in Orthodox Ethics*, 2d ed. (Notre Dame, Ind.: University of Notre Dame Press, 2002).

6. "Actually, one can hardly find, in the entire religious literature of Byzantium, any systematic treatment of Christian ethics, or behavior, but rather innumerable examples of moral exegesis of Scripture, and ascetical treatises on prayer and spirituality. This implies that Byzantine ethics were eminently 'theological ethics.' The basic affirmation that *every* man, whether Christian or not, is created according to the image of God and therefore called to divine communion and 'deification,' was of course recognized, but no attempt was ever made to build 'secular' ethics for man 'in general.'" Meyendorff, *Byzantine Theology*, 226.
7. Kallistos Ware, "Eastern Christianity," *The Encyclopedia of Religion*, ed. Mircea Eliade (New York: Free Press, 1987), 4:571.
8. Leonardo Boff, *Trinity and Society*, trans. Paul Burns (Maryknoll, N.Y.: Orbis Books, 1988).
9. Michael Aksionov Meerson's *The Trinity of Love in Modern Russian Theology: The Love Paradigm and the Retrieval of Western Medieval Love Mysticism in Modern Russian Trinitarian Thought (from Solovyov to Bulgakov)* (Quincy, Ill.: Franciscan Press, 1998) is an important contribution to a widened trinitarianism in Orthodox theology. Although this book has ethical implications, it is not primarily an essay in ethics; neither can the author be called a neopatristic theologian.
10. Makarios and Nikodemos's work is available in English: *The Philokalia: The Complete Text, compiled by St Nikodimos of the Holy Mountain and St. Makarios of Corinth*, trans. G.E.H. Palmer, Philip Sherrard and Kallistos Ware, 3 vols. (London: Faber and Faber, 1979–84). Dumitru Stăniloae produced a twelve-volume Romanian *Philokalia* (1946–91). See chapter 5, this volume.
11. "The view of man prevailing in the Christian East is based upon the notion of 'participation' in God. Man has been created not as an autonomous or self-sufficient being; his very *nature* is truly itself only inasmuch as it exists 'in God' or 'in grace.' Grace, therefore, gives man his 'natural' development. This basic presupposition explains why the terms 'nature' and 'grace,' when used by Byzantine authors, have a meaning quite different from the Western usage; rather than being in direct opposition, the terms 'nature' and 'grace' express a dynamic, living, and necessary relationship between God and man, different by their *natures*, but in *communion* with each other through God's energy, or grace." Meyendorff, *Byzantine Theology*, 138.

12. The first two uses are the civil use of the law as a means of preserving public order and the theological use of the law as a means of convicting sinners of unrighteousness, thereby awakening in them a hunger for redemption.
13. The best introduction to Slavophilism is Andrzej Walicki, *The Slavophile Controversy: History of a Conservative Utopia in Nineteenth-Century Russian Thought*, trans. Hilda Andrews-Rusiecka (Notre Dame, Ind.: University of Notre Dame Press, 1989). The best collection of Slavophile writings in English is *On Spiritual Unity: A Slavophile Reader*, trans. and ed. Boris Jakim and Robert Bird (Hudson, N.Y.: Lindisfarne Books, 1998).
14. *Sobornost* comes from the Slavic root meaning "gather." So, for example, the noun *sobor* means "church council" and also "cathedral" (where the people gather for liturgy). The adjective *sobornyi* translates "catholic" in the Nicene Creed: "one holy, catholic and apostolic Church." Community, fellowship, conciliarity, catholicity, cathedral-feeling—all these meanings resound in the term *sobornost*. In recent decades the word has begun an international career, appearing, for example, in *Webster's Third New International Dictionary* (1981).
15. Andrzej Walicki, *Legal Philosophies of Russian Liberalism* (Oxford: Clarendon Press, 1987), 9–104.
16. For a fine discussion, see Harold J. Berman, "The Weightier Matters of the Law: A Response to Solzhenitsyn," in *Faith and Order: The Reconciliation of Law and Religion* (Atlanta, Ga.: Scholars Press, 1993), 381–392.
17. On the liberalism of Soloviev and some of the thinkers inspired by him, see Walicki, *Legal Philosophies of Russian Liberalism*; and the classic Russian work of 1902, *Problems of Idealism: Essays in Russian Social Philosophy*, trans. and ed. Randall A. Poole (New Haven, Conn.: Yale University Press, 2003).
18. See note 3 above.
19. Sergei Horuzhy, a mathematical physicist, has elaborated a philosophy of "energetism" based, as he claims, on hesychasm. See Sergei Khoruzhii, *K fenomenologii askezy* (Moscow: Izdatel'stvo gumanitarnoi literatury, 1998) and *O starom i o novom* (St. Petersburg: Aleteiia, 2000). For a related essay in English see Sergei S. Horuzhy, "Neo-Patristic Synthesis and Russian Philosophy," *St. Vladimir's Theological Quarterly* 44 (2000): 309–328.
20. John W. Barker, *Justinian and the Later Roman Empire* (Madison: University of Wisconsin Press, 1966), 97.
21. The essential essay on the subject is Deno J. Geanakoplos, "Church and State in the Byzantine Empire: A Reconsideration of the Problem of Caesaropapism," in id., *Byzantine East and Latin West: Two Worlds of Christendom in Middle Ages and Renaissance, Studies in Ecclesiastical and Cultural History* (New York: Harper & Row, 1966), 55–83.
22. Monophysitism, literally "one-nature-ism," is the view that humanity and divinity were so integrally united in Christ that one may speak of "one incarnate nature of God the Word." The Orthodox doctrine, confirmed at the Council of

Chalcedon in 451, is that, in Christ, two distinct natures (divine and human) were united without confusion or division in one Person. The Chalcedonians rejected monophysitism because they believed it compromised the humanity of Christ. The monophysites rejected Chalcedon because they believed it compromised the fullness of the incarnation. Orthodox, Roman Catholic, and Protestant churches are Chalcedonian. Coptic, Syrian, Armenian, and Ethiopian churches are non-Chalcedonian. The popularity of monophysitism in the Eastern provinces of the Byzantine Empire owed much to regional resentment against the political and cultural hegemonism of Constantinople.

23. Quoted by Meyendorff, *Byzantine Theology*, 213.
24. Ibid., 213–214. Meyendorff views this civil-political application of incarnational theology as misguided because it assumed "that the ideal humanity which was manifested, through the Incarnation, in the person of Jesus Christ could also find an adequate manifestation in the Roman Empire." But this is the assessment of a theologian reflecting on the fall of the two great Orthodox empires in world history, the Byzantine and the Russian. The vast majority of Orthodox Christians until quite recently shared Justinian's view that the Orthodox state was as much a divine institution as the Orthodox Church.
25. On the "palladian" qualities of icons, see Hussey, *The Orthodox Church in the Byzantine Empire*, 31–32; Judith Herrin, *The Formation of Christendom* (Princeton, N.J.: Princeton University Press, 1987), 307–308, 314–315; and Leo Tolstoy, *War and Peace*, book 3, chap. 2.
26. Orthodox appeals to the state to help resist proselytism by other Christian groups are a good example. See John Witte Jr. and Michael Bourdeaux, eds., *Proselytism and Orthodoxy in Russia: The New War for Souls* (Maryknoll, N.Y.: Orbis Books, 1999).
27. English-language discussion of Bulgakov's thought has flourished in recent years. See Judith Deutsch Kornblatt and Richard F. Gustafson, eds., *Russian Religious Thought* (Madison: University of Wisconsin Press, 1996), 135–192; Catherine Evtuhov, *The Cross and the Sickle: Sergei Bulgakov and the Fate of Russian Religious Philosophy* (Ithaca, N.Y.: Cornell University Press, 1997); Rowan Williams, ed., *Sergii Bulgakov: Towards a Russian Political Theology* (Edinburgh: T & T Clark, 1999); Paul Valliere, *Modern Russian Theology: Bukharev, Soloviev, Bulgakov* (Grand Rapids, Mich.: Eerdmans, 2000), 227–371; and the pioneering study by Philip Max Walters, "The Development of the Political and Religious Philosophy of Sergei Bulgakov, 1895–1922: A Struggle for Transcendence" (Ph.D. diss., London School of Economics and Political Science, 1978).
28. "Apophatic" comes from a Greek word meaning "negative." In theology it refers to discourse about the divine in terms of what God is not (e.g., God is not finite, not mortal, not human, not comprehensible, not reducible to the measure of this world or of any world, and so on), as opposed to positive or "kataphatic" statements about God (e.g., God is good, just, loving, wise, and so on).

The aim of apophatic discourse is to induce the mind to confess the radical transcendence and mystery of God.

29. The contrast is developed by Silviu Eugen Rogobete, "Mystical Existentialism or Communitarian Participation? Vladimir Lossky and Dumitru Staniloae," in *Dumitru Staniloae: Tradition and Modernity in Theology*, ed. Lucian Turcescu (Iasi, Romania: Center for Romanian Studies, 2002), 167–206. On *Gândirea* (*Thought*, the name of a journal), see Keith Hitchins, "*Gândirea*: Nationalism in a Spiritual Guise," *Social Change in Romania, 1860–1940: A Debate on Development in a European Nation*, ed. Kenneth Jowitt (Berkeley: Institute of International Studies, University of California, 1978).
30. Herrin, *The Formation of Christendom*, 38.
31. Stephen Runciman, *Byzantine Civilization* (London: Edward Arnold, 1959), 75–76. For a concise presentation of Justinian's legislation, including its Christian elements, see Percy Neville Ure, *Justinian and his Age* (Harmondsworth, England: Penguin, 1951), 139–167.
32. For an introduction to the issues and the literature see Ia. N. Shchapov, *Vizantiiskoe i iuzhnoslavianskoe pravovoe nasledie na Rusi v XI–XIIIvv* (Moscow: Izdatel'stvo Nauka, 1978).
33. The phrase is from John Meyendorff, *Living Tradition: Orthodox Witness in the Contemporary World* (Crestwood, N.Y.: St. Vladimir's Seminary Press, 1978), 195.
34. "In Russia, unlike the West, no rising class of jurists, specially trained in rational law, had prepared the way for eighteenth-century absolutist rule and modernization. Therefore Russian absolutism adopted the ethos of rational legislation and the policy of the *état bien policé*, while preserving many features of a traditional patriarchal autocracy, and did not have to concern itself with an organized legal profession. The institution of the Bar only appeared in Russia with the judicial reforms of 1864." Walicki, *Legal Philosophies of Russian Liberalism*, 15. See also Marc Raeff, *The Well-Ordered Police State: Social and Institutional Change Through Law in the Germanies and Russia, 1600–1800* (London, 1983).
35. For an introduction to Orthodox canon law and some of its applications, see the essays by John H. Erickson, *The Challenge of Our Past: Studies in Orthodox Canon Law and Church History* (Crestwood, N.Y.: St. Vladimir's Seminary Press, 1991); and "*Oikonomia* in Byzantine Canon Law," in *Law, Church and Society: Essays in Honor of Stephan Kuttner*, ed. K. Pennington and R. Somerville (Philadelphia: University of Pennsylvania Press, 1977), 225–236.
36. A unitary "code" of canon law as opposed to a "corpus" of officially recognized sources is a recent development even in Roman Catholicism. The first *Codex iuris canonici* was promulgated in 1917. A new code was issued in 1983.
37. *Byzantine Theology*, 54, 225.
38. For an introduction to Nikodemos, see *Nicodemos of the Holy Mountain: A Handbook of Spiritual Counsel*, trans. Peter A. Chamberas (New York: Paulist Press, 1989); and the penetrating critique by John H. Erickson, "On the Cusp

of Modernity: The Canonical Hermeneutic of St. Nikodemos the Haghiorite (1748–1809)," *St. Vladimir's Theological Quarterly* 42 (1998): 45–66. The *Pedalion* is available in a not altogether satisfactory English edition: *The Rudder*, trans. D. Cummings (Chicago: Orthodox Christian Educational Society, 1957).

39. The standard account in English is James Cracraft, *The Church Reform of Peter the Great* (Stanford, Calif.: Stanford University Press, 1971). See also *The Spiritual Regulation of Peter the Great*, trans. and ed. Alexander V. Muller (Seattle: University of Washington Press, 1972).
40. Many changes in the regulation of the church, some of them constructive, were made in the nineteenth century, but they cannot be said to add up to a reform of the synodal system, much less of the church itself. For a detailed account, see Gregory L. Freeze, *The Parish Clergy in Nineteenth-Century Russia: Crisis, Reform, Counter-Reform* (Princeton, N.J.: Princeton University Press, 1983). The standard work on the conciliar movement of 1905–6 is James W. Cunningham, *A Vanquished Hope: The Movement for Church Renewal in Russia, 1905–1906* (Crestwood, N.Y.: St. Vladimir's Seminary Press, 1981).
41. For a complete English translation see "Documents: Appeals for Religious Freedom in Russia," *St. Vladimir's Seminary Quarterly* 10 (1966): 67–111. For a detailed discussion of Orthodox dissent during the Soviet period, see Jane Ellis, *The Russian Orthodox Church: A Contemporary History* (Bloomington: Indiana University Press, 1986), 285–454. See also Paul Valliere, "Russian Orthodoxy and Human Rights," in *Religious Diversity and Human Rights*, ed. Irene Bloom, J. Paul Martin, and Wayne L. Proudfoot (New York: Columbia University Press, 1996), 278–312.
42. For an introduction, see *Christianity for the Twenty-first Century: The Prophetic Writings of Alexander Men*, ed. Elizabeth Roberts and Ann Shukman (New York: Continuum, 1996).
43. The phrase is from John Meyendorff, *Living Tradition*, 105.
44. Erickson, *The Challenge of Our Past*, 20.
45. *The Russian Question at the End of the Twentieth Century*, trans. Yermolai Solzhenitsyn (New York: Farrar, Straus & Giroux, 1995), 98.
46. "Osnovy sotsial'noi kontseptsii russkoi pravoslavnoi tserkvi" (Bases of the Social Concept of the Russian Orthodox Church). The document, with English translation, can be found at the website of the Moscow Patriarchate, http://www.russian-orthodox-church.org.ru.
47. On this issue, see *Religion, State & Society* 27, no. 1 (March 1999), the record of a conference on "Reflection on the Laity: a Focus for Christian Dialogue Between East and West" sponsored by Keston College and the University of Leeds.
48. Max Weber, "Politics as a Vocation," in *From Max Weber: Essays in Sociology*, trans. H.H. Gerth and C. Wright Mills (New York: Oxford University Press, 1970–72), 126.

49. "Deianie iubileinogo osviashchennogo arkhiereiskogo sobora russkoi pravoslavnoi tserkvi o sobornom proslavlenii novomuchenikov i ispovednikov rossiiskikh XX veka." See also the report of the chair of the canonization commission, "Doklad mitropolita krutitskogo i kolomenskogo Iuvenaliia, predsedatelia sinodal'noi komissii po kanonizatsii sviatykh, na arkhiereiskom sobore," and the summary of the proceedings, "Proslavlenie sviatykh na iubileinom arkhiereiskom sobore." The documents can be found at the website of the Moscow Patriarchate, http://www.russian-orthodox-church.org.ru.